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NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID LEON GARCIA,

Defendant.

No. CR 05-00342-RMW

**ORDER OF THE COURT EXCLUDING
TIME**

The above-captioned case came before the court on Monday, December 5, 2005 at 9:00 a.m. The defendant was personally present and was represented by counsel. Counsel for the United States was present. At the conclusion of the hearing, the court ruled as follows:

Upon request of the government and the defendant, the court hereby sets this case for a further status hearing before the Honorable Ronald M. Whyte to take place on Monday, February 13, 2006 at 9:00 a.m.

Pursuant to Title 18, United States Code, Section 3161(h)(8), the court excludes the period

ORDER CR 05-00342-RMW

of time from December 5, 2005 through and including February 13, 2006, from the computation of the period of time within which the trial must commence. The court FINDS that the ends of justice served by the delay outweigh the best interest of the public and the defendant in a speedy trial. The court bases this finding on the need of the defendant's newly-retained counsel, Robert Lyons, to review the discovery provided by the government in this case and to afford counsel the reasonable time necessary for effective preparation, and also to maintain continuity of defense counsel in that Mr. Lyons is scheduled to begin a homicide jury trial later this month in state court, all within the meaning of 18 U.S.C. Section 3161(h)(8)(B)(iv).

IT IS SO ORDERED.

DATED: 12/7/05

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

Copies to be served on:

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